

STATE WATER RESOURCES CONTROL BOARD

ORDER NO. WQ 77-14

ORDER REQUIRING THE CITY OF ANTIOCH TO
CEASE AND DESIST FROM DISCHARGING OR
THREATENING TO DISCHARGE WASTES CONTRARY
TO REQUIREMENTS PRESCRIBED BY THE STATE
WATER RESOURCES CONTROL BOARD.

BY VICE CHAIRMAN MAUGHAN:

1. On April 6, 1977, this Board adopted Order No. WQ 77-7, pertaining to the waste discharge of the City of Antioch, and modifications of NPDES Permit No. CA0079728, prescribing waste discharge requirements for the waste discharge of the City of Antioch.

2. State Board Order No. WQ 77-7 provides, in part as follows:

"May 1, 1977 -Submit analysis of alternative methods
 of financing and apply for Step 2
 grant."

"June 13, 1977 -Demonstrate the availability of local
 financing for construction of fa-
 cilities to meet requirements."

"...Each of the dischargers shall be required to comply with the May 1, 1977, and the June 13, 1977, dates and requirements as set forth in the above time schedule for the implementation of secondary treatment, and shall be required to provide a report of said compliance to the State Board, which shall be received by the State Board on or before the specified dates. Failure to meet these two intermediate dates will jeopardize compliance [sic] with the final date in the schedule and will constitute cause for the initiation of enforcement action by the State Board."

(State Board Order No. WQ 77-7, pages 11 and 12.)

3. The Board received a letter dated May 5, 1977, signed by Robert M. Jackson, for Jack Port, Assistant Public Works Director, Environmental Control, Contra Costa County, listing two alternative methods of financing the East/Central Contra Costa County Subregional Wastewater Management System, the proposed method of compliance with secondary treatment requirements prescribed in accordance with the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500).

4. By a letter dated May 20, 1977, from Bill B. Dendy, the City of Antioch was informed that the letter described in Finding 3 above was not adequate for compliance with the May 1, 1977, requirement of State Board Order No. WQ 77-7, set forth in Finding 2 above, and was requested to submit supplemental information immediately.
5. The City of Antioch has failed to comply with the requirements set forth in Finding 2 above.
6. The discharge requirements prescribed in NPDES Permit No. CA0079728 as modified, provide, in part, as follows:

"A. Effluent limitations:

* * *

2. The discharge of an effluent in excess of the following limits is prohibited:

- a. Settleable Matter:

The arithmetic mean of any six or more samples collected on any day 0.5 ml/1/hr., max

80% of all individual samples collected during maximum daily flow over any 30-day period 0.4 ml/1/hr., max

Any sample 1.0 ml/1/hr., max.

- b. The arithmetic mean of values of BOD and suspended solids in effluent samples collected in a period of 30 consecutive days shall not exceed 70 percent and 40 percent, respectively, of the arithmetic mean of respective values for influent samples collected at approximately the same times during the same period (i.e., 30 percent BOD removal and 60 percent suspended solids removals)."

* * *

"E. Provisions:

2. Compliance with the requirements A.2.a., and A.2.b., of this order shall be in accordance with the following time schedule:

July 1, 1977	-Provide proof of 50% completion of plans and specifications.
August 15, 1977	-Submit complete construction plans and specifications to the State Board.
December 15, 1977	-Award construction contract.
April 1, 1978	-Status report.
August 1, 1978	-Status report.
March 1, 1979	-Complete construction.
April 1, 1979	-Full compliance with A.2.a., and A.2.b."

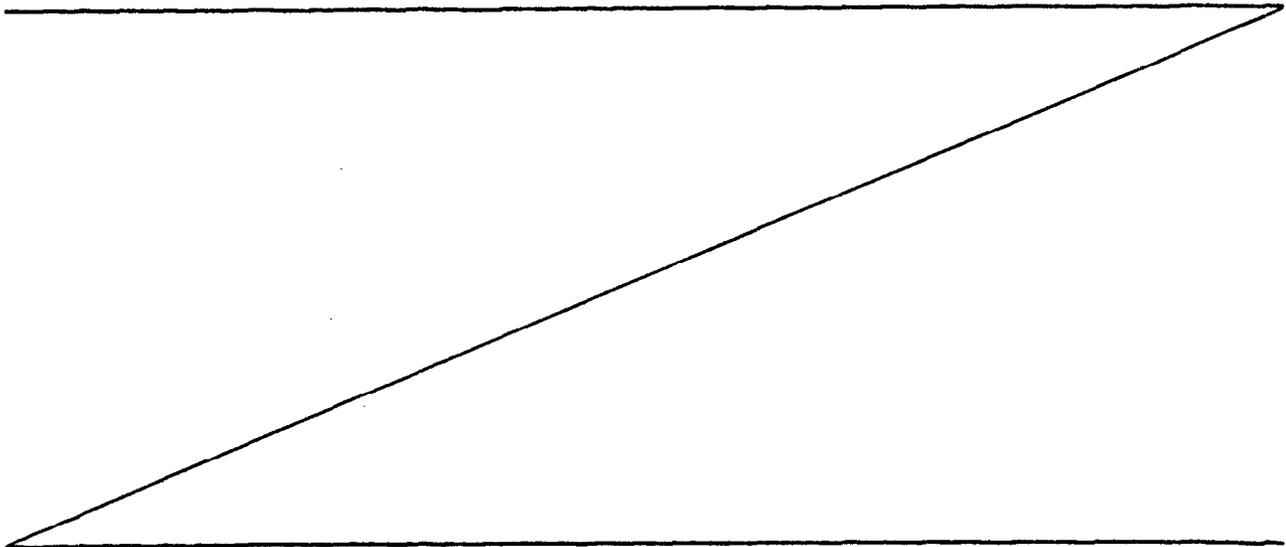
7. Investigation by Board staff has indicated that the discharger is threatening to violate provisions of A.2.a., and A.2.b., as specified in provision E.2. of NPDES Permit No. CA0079728.
8. On June 14, 1977, commencing at 10:00 a.m. in Sacramento California, after due notice to the discharger, and all other affected persons, Mr. Maughan, Vice Chairman of the State Board, conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.
9. The discharger is violating the requirements listed in Finding 2 above.
10. The discharger is threatening to violate the requirements listed in Finding 6 above, as one result of the violations of requirements indicated in Finding 10 above.
11. Any increase in the discharge of waste will increase the violation or likelihood of violation of waste discharge requirements and will further unreasonably impair the water quality of the receiving waters.

12. Immediate action for the planning and construction of facilities to achieve compliance with waste discharge requirements is urgently necessary for the implementation of Part I of the Water Quality Control Plan for the San Francisco Bay Basin and for the implementation of Part I of the Water Quality Control Plan for the Sacramento-San Joaquin Delta and to prevent water pollution.
13. This enforcement action is being taken for the protection of the environment, generally, and to prevent further impairment of the quality of the waters of the State from the discharge of wastes thereto, specifically, and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Administrative Code.

IT IS HEREBY ORDERED THAT:

1. The City of Antioch cease and desist from violating or threatening to violate State Board Order WQ 77-7 and NPDES Permit No. CA0079728.
2. Compliance with the Board's discharge requirements be completed according to the following schedule:

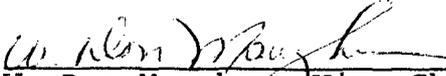
January 1, 1978	-50 percent completion of plans and specifications
May 1, 1978	-Submit complete construction plans and specifications
November 1, 1978	-Award construction contract
July 1, 1979	-Status report
February 1, 1980	-Status report
October 1, 1980	-Status report
March 1, 1981	-Complete construction
May 1, 1981	-Full compliance with all final effluent limitations
3. Additional discharges to the sewer system by dischargers who did not discharge into the system prior to June 16, 1977, are prohibited; provided the following are excluded from this provision, pursuant to Section 2244.1, Title 23, California Administrative Code:
 - (a) Projects under construction or with building permits already issued at the time the notice of the cease and desist hearing to consider the proposed prohibition or restriction was given, i.e., June 3, 1977; unless special circumstances justify inclusion of such projects;

- (b) Discharges from existing dwellings not connected to the sewer system which have methods of waste disposal which are causing more severe water quality problems than those caused by the community sewer system;
 - (c) Discharges which, by reason of special circumstances, allowed to connect to the community sewer system would result in extreme public hardship or a public health hazard.
4. Any exclusion under Section 3(b) or (c) must be specifically approved by the Executive Officer of this Board. Any request for exclusion under Section 3(b) or (c) which is denied by the Executive Officer may be appealed to the Board, provided that notice of such appeal must be filed with the Board within fifteen (15) days from the date of notice of denial of the requested exclusion.
 5. The City of Antioch is required to provide to the Board by July 15, 1977, August 1, 1977, August 15, 1977, and monthly thereafter, reports under penalty of perjury, describing progress toward compliance with waste discharge requirements and the requirements of this order, including progress toward the development of the financial capability to meet requirements.
 6. At the request of the City of Antioch, and upon demonstration of facts in accordance with the criteria set forth in Section 2244.3, Title 23, California Administrative Code, the Board may consider the removal of the prohibition imposed in paragraph 2 above against additional discharges to the Antioch community sewer system.
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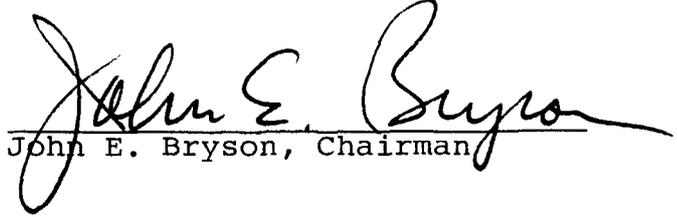
7. If the Executive Officer finds that the City of Antioch has failed to comply with the provisions of this order, the Executive Officer is directed to request the Attorney General to take enforcement action against the discharger, including injunction and civil monetary remedies, as appropriate.

Dated: JUN 16 1977

WE CONCUR:



W. Don Maughan, Vice Chairman



John E. Bryson, Chairman



W. W. Adams, Member



Jean Auer, Member